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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/997,080	11/28/2001	Byeong-Hoon Lee	5484-93	6095

20575 7590 01/29/2003

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EXAMINER

PHAN, TRONG Q

ART UNIT PAPER NUMBER

2818

DATE MAILED: 01/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/997,080

Applicant(s)

LEE ET AL.

Examiner

TRONG PHAN

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED Jan 16, 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

Therefore, further action by the applicant is required to avoid the abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

THE PERIOD FOR REPLY [check only a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see NOTE below);
- (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☒ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because:
see attached explanation.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 1-20

Claim(s) withdrawn from consideration: _____

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☐ Other: _____

Phan Trong Phan
TRONG PHAN
PRIMARY EXAMINER

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ADVISORY ACTION

1. Applicant's arguments filed on 1/16/03 have been fully considered but they are not persuasive because of the following reasons:

A) In the office action of 11/14/02, only items 2b of Form PTO.326 has been inadvertently checked to indicate that the action is non-final. However, the examiner has clearly set forth in item 4, page 3 of the office action, signed by the examiner, that Applicant's amendment necessitated the new ground of rejection and the ACTION IS MADE FINAL. The Final rejection is not premature but it is totally proper and is sustained because Applicant's amendments to the specification and to Fig. 3 in response to the first non-final office action are just only to correct typical errors and Applicant's arguments to the rejection of claims 1-20 under 35 USC 103(a) as being unpatentable over Applicant's Fig. 1 Prior Art in view of Ajika et al., 5,994,732, are not persuasive. Accordingly, it is necessitated for the examiner to repeat the first ground of rejection, with further explanation, to set forth a second new ground of rejection and to make it FINAL;

B) Ajika et al., 5,994,732, does clearly teach in Fig. 2 that each erase block includes: a plurality of memory cell transistors, sharing a plurality of word lines 10, and a plurality of select gate transistors/column decoder transistors 12.

Ajika et al., 5,994,732, does clearly teach in Fig. 3 that each erase block, as shown in Fig. 2, is sharing the same common bulk region, which is p-well 3,

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for the purpose of compactness and simplifyness of the chip (see lines 13-17, column 8). Accordingly, modifying Applicant's Fig. 1 Prior Art by Ajika et al., 5,994,73, is totally proper.

C) New claims 21-25 have not been entered for the reason of presenting additional claims without canceling the finally rejected claims, and no further discussion is provided.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to TRONG PHAN whose telephone number is (703) 308-4870 and email address is trong.phan@uspto.gov



**TRONG PHAN
PRIMARY EXAMINER**

January 24, 2003